

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
HAZARDOUS WASTE MANAGEMENT PROGRAM  
MANAGEMENT MEMO RESCISSION DOCUMENT**

**MANAGEMENT MEMO: #EO- 87- 001**

**TITLE: Delegation of Quarantine Order Authority to Local Agencies**

**AFFECTED PROGRAMS:** Statewide Compliance Division, and State Regulatory Programs Division

**STATEMENT OF RESCISSION:**

Management Memo #EO-87-001-MM is hereby rescinded for the following reason(s):

This management memo suspended delegation of quarantine order authority to local agencies via Memorandum of Understandings pending development of pertinent policies and procedures for implementing this authority. The Department of Toxic Substances Control (DTSC) has determined that this suspension is no longer necessary due to subsequent amendments to Health and Safety Code (HSC), Chapter 6.5, Section 25187.6 (attached). HSC Section 25187.6 grants authorized agents of the department [DTSC] this authority and defines "authorized agent of the department [DTSC]" as any representative of a local officer or agency authorized to enforce the requirements of Chapter 6.5, Section 25100 et seq.. Because Certified Unified Program Agencies (CUPAs) now have the authority to enforce the requirements of Chapter 6.5, delegation of quarantine order authority and this management memo are moot.

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Date

10/2/2001

  
Watson Gin  
Deputy Director

**Health and Safety Code Section 25187.6**

(a) If an authorized agent of the department has probable cause to believe that any hazardous waste, or any material which the authorized agent reasonably believes to be a hazardous waste, is stored, transported, disposed of, or handled in violation of this chapter or in a manner that will constitute a violation of this chapter, and that the violation may threaten public health and safety, or the environment, the agent may issue an order of quarantine by affixing a tag or other appropriate marking to the container containing, or to the vehicle transporting, the hazardous waste.

(b) Upon issuing an order of quarantine pursuant to subdivision (a), the authorized agent shall notify the person who owns the hazardous waste, or the owner or lessee of the vehicle in which the wastes are transported, of all of the following:

(1) The hazardous waste has been subject to a quarantine order because the hazardous waste is, or is suspected of being, stored, transported, disposed of, or handled in violation of this chapter.

(2) No person shall remove, transfer, or dispose of the hazardous waste until permission for removal, transfer, or disposal is given by an authorized agent of the department or by a court.

(3) The person so notified may request, and shall be granted, an immediate hearing before a person designated by the director to review the validity of the authorized agent's order. For purposes of this section, an immediate hearing shall be held within 24 hours after a hearing is requested by the person subject to the order.

(c) Any order of quarantine issued pursuant to subdivision (a) shall take effect upon issuance and shall remain effective for 30 days thereafter, until an authorized agent removes the quarantine order pursuant to subdivision (d), or until the quarantine order is revoked pursuant to a hearing conducted in accordance with paragraph (3) of subdivision (b), whichever event occurs first.

(d) If an authorized agent of the department determines that a hazardous waste subject to a quarantine order is not being stored, handled, transported, or disposed of in violation of this chapter, or does not threaten public health and safety or the environment, the authorized agent shall revoke the order of quarantine.

(e) If an authorized agent of the department has probable cause to believe that a hazardous waste subject to a quarantine order will, or is likely to, be removed, transferred or disposed of in violation of this section, the authorized agent may remove the hazardous waste to a place of safekeeping.

(f) A hazardous waste in transit for which a quarantine order has been issued pursuant to subdivision (a) shall be stored or held at one of the following locations, which the authorized agent determines will represent the least risk to the public health and safety or the environment:

(1) The facility owned or operated by the producer of the waste, except when the producer is located outside the state.

(2) The transporter's yard, facility, or terminal.

(3) The treatment, storage, or disposal facility to which the hazardous waste is to be transported.

(4) Any other site designated by the authorized agent.

(g) All fees for storage and any other expenses incurred in carrying out subdivision (e) or (f) shall be a charge against the person who owns the hazardous waste or the owner or lessee of the vehicle in which the wastes are transported.

(h) For purposes of this section, "authorized agent of the department" includes any representative of a local officer or agency authorized to enforce this chapter pursuant to subdivision (a) of Section 25180.

(Amended by Stats. 1995, Ch. 639, Sec. 30. Effective January 1, 1996.)

## DEPARTMENT OF HEALTH SERVICES

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Management Memo # 87-001

Delegation of Quarantine Order Authority to Local Agencies

Originating Office: Deputy DirectorEffective Date: ImmediatelyAffected Program: The Surveillance & Enforcement Units in the  
Regional OfficesFinal Action

Decision: Until such time as the Division has developed policies and procedures for implementing this new authority, delegation of the quarantine order authority to local agencies via Memorandum of Understandings should not occur. In addition to developing policies and procedures, the Division needs to clearly establish what the hearing requirements are and how they will be handled as well as providing the necessary training to the individuals who will serve as hearing officers. Until the Division's program is established, we run a great risk of setting negative precedents by prematurely delegating this authority.

When the Division's program has been developed and is operational, delegation of this authority to local agencies will be allowed to proceed.

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SEP 30 1987

Date

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